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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,682	03/05/2002	Stacey Secatch	10011021-1	7223

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
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Loveland, CO 80537-0599

EXAMINER

FAROOQ, MOHAMMAD O

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,682

Applicant(s)

SECATCH, STACEY

Examiner

Mohammad O. Farooq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 10-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) •
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 sets two conditions for unloading data but sets both conditions being the same - when data value should not have been unloaded from the memory. However, the results for this above condition is different since the claim states the first result is unloading the stored next data value from the storage element and the second result of the same condition is unloading a different next value from the FIFO. One condition stated twice cannot have two different results. Appropriate correction is required.

This office action treats the second condition different from the first being "...wherein if a determination is made that said next data value should have been (not should not have been) unloaded from memory...".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-9 and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by DeLano, U.S. 2003/0163763 A1.

3. As to claim 1, DeLano teaches a pushback FIFO (register file) having an input and an output, the pushback FIFO allowing data values that have been unloaded from the pushback FIFO to be reloaded into the pushback FIFO at the beginning of sequence of data values (by resetting the program counter) stored in the pushback FIFO if a determination is made that a data value should not have been unloaded (i.e. an error has occurred) from the pushback FIFO (page 1, paragraph 0006).

4. As to claim 2, DeLano teaches the pushback FIFO wherein said determination is made by logic external to the pushback FIFO (inherent) and provided to the pushback FIFO (item 110, Fig. 2).

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5. As to claim 3, DeLano teaches the pushback FIFO, wherein if a determination is made that the data value unloaded from the pushback FIFO should have been unloaded, the unloaded data value is not reloaded into the pushback FIFO (i.e. the buffer is flushed; item 112, fig. 2).

6. As to claim 4, DeLano teaches the pushback FIFO, wherein if a determination is made that the data value unloaded from the pushback FIFO should have been unloaded, the unloaded data value is marked as an invalid FIFO data value (i.e. the buffer is flushed; item 112, fig. 2).

7. As to claim 5, DeLano teaches the pushback FIFO further comprising:
a standard FIFO having a plurality of storage locations for storing data values in a first-in-first-out fashion so that data values can be unloaded from the standard FIFO in a same sequence in which data values were loaded into the standard FIFO (item 12, fig. 1);

first logic, the first logic storing a copy of a data value unloaded from the standard FIFO (buffer logic; item 20, fig. 1); and

second logic, the second logic (i.e. read mux; item 16, fig. 1) outputting said data value unloaded from the standard FIFO and, if the data value output from the pushback FIFO should not have been output from the pushback FIFO, the second logic outputs the stored copy of the data value in a subsequent read cycle (see fig. 1).

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8. As to claim 6, DeLano teaches the pushback FIFO wherein said determination is made by logic external to the pushback FIFO (inherent) and provided to the pushback FIFO (item 110, Fig. 2).

9. As to claim 7, DeLano teaches the pushback FIFO, wherein if a determination is made that the data value unloaded from the pushback FIFO should have been unloaded, the unloaded data value is not reloaded into the pushback FIFO (i.e. the buffer is flushed; item 112, fig. 2).

10. As to claim 8, DeLano teaches the pushback FIFO, wherein if a determination is made that the data value unloaded from the pushback FIFO should have been unloaded, the unloaded data value is marked as an invalid FIFO data value (i.e. the buffer is flushed; item 112, fig. 2).

11. As to claim 9, DeLano teaches pushback FIFO, wherein the first logic includes a first multiplexer having at least first and second inputs and an output, the first input being connected to an output of the standard FIFO, the multiplexer receiving at least one control signal, said at least one control signal controlling whether a data value unloaded from the standard FIFO is to be output from the output of the first multiplexer.

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12. As to claim 16, DeLano teaches method of performing a FIFO pushback operation, the method comprising the steps of:

unloading a first data value from a FIFO (page 1, paragraph 0006);

determining whether or not the unloaded first data value should have been unloaded from the FIFO (see fig. 2);

if a determination is made that the unloaded first data value should not have been unloaded from the FIFO (i.e. occurrence of data errors), reloading the first data value back into the FIFO such that the reloaded first value occupies a first position in a sequence of data values stored in the FIFO (page 1, paragraph 0006).

13. Claims 17-20 are method claims of apparatus claims 3-5 and 7. DeLano teaches apparatus as set forth in claims 3-5 and 7. Therefore, DeLano also teaches method as set forth in claims 17-20.

Allowable Subject Matter

14. Claims 10-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

15. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

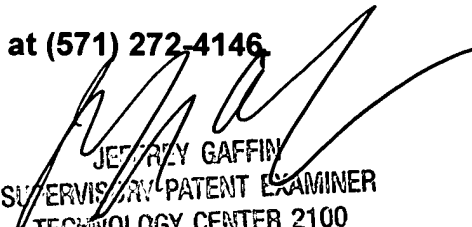
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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad O. Farooq whose telephone number is (703) 305-3888. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.S. Effective October 13, 2004 the examiner can be reached at (571) 272-4144 and the examiner's supervisor can be reached at (571) 272-4146.


JEFFREY GAFFIN
SUPERVISOR/PATENT EXAMINER
TECHNOLOGY CENTER 2100

Mohammad O. Farooq
September 29, 2004